

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: )  
VAN E. CHRISTIAN, II ) Chapter 7  
 ) Case No. 10-09108  
Debtor. ) Judge George C. Paine, II  
 )  
JOHN and CONNIE McCASLIN, )  
 )  
Plaintiffs, )  
 )  
vs. ) Adv. No.  
 )  
VAN E. CHRISTIAN, II, SPENCER )  
TALBOTT, RHONDA TALBOTT, and )  
TALBOTT TITLE LLC, )  
 )  
Defendants. )

**PRETRIAL STATEMENT**

Comes Spencer Talbott and Rhonda Talbott, through counsel, and would state its pretrial statement as follows:

**DEFENDANT'S STATEMENT OF CLAIM**

1. This is not a core matter and is not subject to jurisdiction by this Court.
2. The Defendants are not guilty of any act of fraud or misrepresentation in connection with the transaction with the Plaintiffs.

**UNCONTESTED FACTS**

1. Spencer Talbott had an ownership interest in Talbott Title LLC along with the Debtor Van E. Christian II.
2. Rhonda Talbott is the mother of Spencer Talbott.
3. Rhonda Talbott loaned her son money.

## **CONTESTED FACTS**

1. Whether Spencer or Rhonda Talbott engaged in any misrepresentation, or fraudulent act regarding the Plaintiffs?
2. Whether Rhonda Talbott had any control or knowledge of the operations of Talbott Title LLC?
3. Whether Rhonda Talbott had any control over the management of Talbott Title, LLC?

## **STATEMENT OF CONTESTED LEGAL ISSUES**

1. Whether this matter is a core proceeding as to the Defendants, Rhonda and Spencer Talbott and does this Court have jurisdiction?
2. Whether the Defendants Spencer and Rhonda Talbott are liable for fraud, misrepresentation or defalcation in connection with the Plaintiffs.
3. Whether if Rhonda Talbott is liable for loaning money to her son, based on the same legal theory advanced by the Plaintiffs, whether the Plaintiffs are liable to her because they loaned money to the other Defendants?

Respectfully submitted,

/s/ Kevin S. Key  
KEVIN S. KEY, #9519  
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**CERTIFICATE OF SERVICE**

I certify I mailed/e-mailed a copy of the foregoing to James D. R. Roberts and Janet Layman, Attorneys for the McCaslins, 1700 Hayes Street, Suite 303, Nashville, TN 37203, David F. Cannon, Attorney for Debtor, 346 21<sup>st</sup> Avenue North, Nashville, TN 37203, Eva Lemeh, Chapter 7 Trustee, 4300 Kings Lane, Nashville, TN 37218, the U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203 on this 23<sup>rd</sup> day of May, 2011.

/s/ Kevin S. Key  
KEVIN S. KEY #9519